

2. The county of legal settlement shall be billed pay for fifty percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness. For purposes of this section, persons with mental disorders resulting from Alzheimer's disease or substance abuse shall not be considered chronically mentally ill.

Sec. 4. Section 249A.25, Code 1993, is repealed.

Approved May 4, 1994

CHAPTER 1151

HEALTH CARE FACILITIES — CLASSIFICATIONS OF CARE

S.F. 2203

AN ACT relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.1, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Adult day care services" means an organized program of supportive care provided for sixteen hours or less in a twenty-four-hour period to persons who require support and assistance on a regular or intermittent basis in a licensed health care facility.

NEW SUBSECTION. 17A. "Respite care services" means an organized program of temporary supportive care provided for twenty-four hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person.

Sec. 2. Section 135C.2, subsection 3, Code 1993, is amended to read as follows:

3. ~~The department shall establish by administrative rule, within the residential care facility category, a special classification for residential facilities intended to serve mentally ill individuals.~~

a. ~~The department shall establish by administrative rule the following special classifications:~~

(1) ~~Within the residential care facility category, a special license classification for residential facilities intended to serve persons with mental illness.~~

(2) ~~Within the nursing facility category, a special license classification for nursing facilities which designate and dedicate the facility or a special unit within the facility to provide care for persons who suffer from chronic confusion or a dementing illness. A nursing facility which designates and dedicates the facility or a special unit within the facility for the care of persons who suffer from chronic confusion or a dementing illness shall be specially licensed. For the purposes of this subsection, "designate" means to identify by a distinctive title or label and "dedicate" means to set apart for a definite use or purpose and to promote that purpose.~~

b. ~~The department may also establish by administrative rule special classifications within the residential care facility, intermediate care facility for the mentally ill, intermediate care facility for the mentally retarded, or nursing facility categories, for facilities intended to serve individuals who have special health care problems or conditions in common. Rules establishing a special classification shall define the problem or condition to which the special classification is relevant and establish requirements for an approved program of care commensurate with the problem or condition, and. The rules may grant special variances or considerations to facilities licensed within the special classification.~~

c. The rules adopted for intermediate care facilities for the mentally retarded shall be consistent with, but no more restrictive than, the federal standards for intermediate care facilities for the mentally retarded established pursuant to the federal Social Security Act, § 1905(c)(d), as codified in 42 U.S.C. § 1396d, in effect on January 1, 1989. However, in order to be licensed the state fire marshal must certify to the department an intermediate care facility for the mentally retarded as meeting the applicable provisions of either the health care occupancies chapter or the residential board and care chapter of the life safety code of the national fire protection association, 1985 edition. The department shall adopt additional rules for intermediate care facilities for the mentally retarded pursuant to section 135C.14, subsection 8.

d. Notwithstanding the limitations set out in this subsection regarding rules for intermediate care facilities for the mentally retarded, the department shall consider the federal interpretive guidelines issued by the federal health care financing administration when interpreting the department's rules for intermediate care facilities for the mentally retarded. This use of the guidelines is not subject to the rulemaking provisions of sections 17A.4 and 17A.5, but the guidelines shall be published in the Iowa administrative bulletin and the Iowa administrative code.

Sec. 3. Section 135C.2, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 6. a. This chapter shall not apply to adult day care services provided in a health care facility. However, adult day care services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide.

b. The level of care certification provisions pursuant to sections 135C.3 and 135C.4, the license application and fee provisions pursuant to section 135C.7, and the involuntary discharge provisions pursuant to section 135C.14, subsection 8, shall not apply to respite care services provided in a health care facility. However, respite care services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide.

c. The department shall adopt rules to implement this subsection.

Approved May 4, 1994

CHAPTER 1152

SCHOOL SOCIAL STUDIES REQUIREMENTS

S.F. 2277

†AN ACT relating to social studies requirements in the schools.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.11, subsection 5, paragraph b, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot. All students shall complete a minimum of one-half unit of United States government and one unit of United States history. The one-half unit of United States government shall include the voting procedure as described in this lettered paragraph and section 280.9A. The government instruction shall also include a study of the Constitution of the United States and the bill of rights contained in the Constitution and an assessment of a student's knowledge of the Constitution and the bill of rights.

Approved May 4, 1994

†Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State